

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

GURSHEEL S. DHILLON, M.D.)
)
v.) NO. 3-12-0151
) JUDGE CAMPBELL
STATE OF TENNESSEE HEALTH)
RELATED BOARD OF MEDICAL)
EXAMINERS, et al.)

ORDER

Pending before the Court are Plaintiff's Combined Appeal for Review of Magistrate's Orders (Docket No. 109) and Plaintiff's Amended Combined Appeal for Review of Magistrate's Orders (Docket No. 114). Plaintiff's request for oral argument on these Motions is denied.

Pursuant to Rule 72(a) of the Federal Rules of Civil Procedure, the Court may reverse or modify the ruling of the Magistrate Judge only if it is clearly erroneous or contrary to law. The Court has reviewed Plaintiff's Motions for Review, the Magistrate Judge's Order and the file. Plaintiff's Motions for Review (Docket Nos. 109 and 114) are denied. The Court finds that the Orders of the Magistrate Judge (Docket Nos. 101, 103 and 105) are neither clearly erroneous nor contrary to law. Therefore, the Orders of the Magistrate Judge (Docket Nos. 101, 103 and 105) are affirmed.


Also pending before the Court are a Report and Recommendation of the Magistrate Judge (Docket No. 112) and Objections filed by the Plaintiff (Docket No. 123).

Pursuant to 28 U.S.C. § 636(b)(1), Fed. R. Civ. P. 72(b)(3) and Local Rule 72.03(b)(3), the Court has reviewed *de novo* the Report and Recommendation, the Objections, and the file. The Report and Recommendation is adopted and approved except as to the rulings concerning *Younger*

abstention. In light of Plaintiff's assertion that "the Tennessee Appellate Court denied review of all of his appeals . . . and the Supreme Court denied cert. for all appeals related to this matter" (Docket No. 123, pp. 66-7), this matter is referred back to the Magistrate Judge to determine whether Plaintiff's assertion (that no state court proceeding is currently pending), if true, changes anything about the *Younger* abstention analysis. The Magistrate Judge shall file another Report and Recommendation to the Court on this single issue. *See* 28 U.S.C. § 636(b)(1)(C) (judge may recommit the matter to the magistrate judge with instructions).

Accordingly, Defendants' Motions to Dismiss (Docket Nos. 55, 57, 75 and 90) are granted in part and recommitted to the Magistrate Judge in part.

IT IS SO ORDERED.



TODD J. CAMPBELL
UNITED STATES DISTRICT JUDGE